

## COULD NOT FINISH

Effort to Close the O'Boyle Case  
Last Night Failed.

## TROUBLE AS TO INSTRUCTIONS

Wide Difference on the Application of the  
Law to the Case. Jury Adjourned  
Over Until 10 O'clock Mon-  
day Morning.

A vigorous effort was made yesterday in the Corporation Court to finish the case of William O'Boyle, charged with the murder of Alma Hamilton. Had the instructions been ready for the jury, the case could probably have been concluded, but they were not, and the end will not be reached before some time Monday, if then.

This was anticipated, at the same time every thing possible was done to facilitate matters. The commonwealth's attorney asked for but one instruction outside of the usual instructions given in any murder case, but this instruction was one to which the defense could not assent. The defense brought in about two score instructions, but afterward cut the number down to sixteen. These sixteen were argued and argued and argued, but as the night grew old the attorneys were further apart than ever and the instructions were as far from the jury, or further, than they were before the attorneys began to discuss them.

At 10:20 o'clock, Judge Barham and the two attorneys came into court. His Honor announced to the jury that it would be useless to keep them at the courthouse longer, and adjourned the case until 10 o'clock Monday morning. THE ANTE-MORTEM STATEMENT. The Corporation Court convened yesterday at 9:30 A. M., when argument of attorneys for and against the admissibility of Alma Hamilton's ante-mortem statement in the O'Boyle murder trial was commenced. The argument consumed two hours and when the attorneys finished Judge Barham refused to let the statement go before the jury as evidence, on the ground that there were statements in it which were irrelevant to this case. This was a point for the defense. However, Judge Barham ruled that those who were connected with the taking of the ante-mortem statement could testify as to its contents.

In the statement the name Boyle is used instead of O'Boyle, as at the time the accused was generally known as Boyle.

That part of the statement relative to the commission of the crime follows: "The ante-mortem statement of Alma Hamilton, who, being conscious of immediate dissolution, says: 'Billy Boyle is visiting at Beets. I was drinking and sent word to Boyle telling him of it. He came and came up. I was in the hall. He slapped me, took the baby from me and carried it down the hall. He came back and slapped me down. When he slapped me down I grabbed his shirt and tore it off. When I did so he knocked me down and jumped on me and stamped me in the stomach, and beat me with his fist. I was not able to walk to my room, but crawled along on my stomach. This happened in this house on yesterday evening about 4 o'clock.'"

The statement was taken on June 3. The statement was sworn to before Police Justice J. D. G. Brown.

Justice Brown and Coroner Gary both testified after argument in reference to the taking of the statement.

The last witness put on by the commonwealth's attorney was Lottie Burch, who was at one time Alma's "landlady." She testified to frequent quarrels between Billy and Alma, and swore that Billy made the statement that he was going to kill Alma if it was the last act of his life.

This witness also testified to the circumstances of the taking of the woman's ante-mortem statement.

Lottie gave a graphic description of the scene in the dying woman's room while the ante-mortem statement was being taken, after which she proceeded to state the substance of the ante-mortem statement.

THE COMMONWEALTH RESTS.

On cross examination, Mr. Ruth endeavored to make Lottie Burch tell what her right name was. Lottie was equal to the occasion. "Everybody in Newport News knows me as Lottie Burch; my name has nothing to do with this case and I refuse to answer unless the court instructs me to."

The defense could not show that Lottie's name was material to the case, and His Honor refused to compel her to testify to it against her will.

When the cross-examination of Lottie Burch was concluded the commonwealth rested, and the defense had the sergeant call its witnesses. Not one responded, though previously several had put in appearance and claimed attendance.

There were two of the commonwealth's witnesses who were not called by the commonwealth's attorney. They were "Mrs." Godsey and Dr. J. K. Corss. The defense asked to have them called, and the request was granted, but "Mrs." Godsey was in Baltimore and as Dr. Corss was not about the courthouse, there was no response.

A long wait ensued while a search was being made for the witnesses for the defense.

KE BERNAN. Presently Isaac Berman, white, strolled in and was sworn as the first witness for the defense.

He had known Alma Hamilton for five years. He testified as to the occasion when Alma took laudanum and Billy's efforts to save her life, by pounding, beating and rubbing her.

By this evidence the defense was endeavoring to prove that the woman had acted and had been treated, before the fight immediately before her death, in such a manner that she might have received injuries sufficient to result in death.

The witness further testified that on the day on which the assault occurred (June 2) Alma was "rushing the growler" in this place.

Key was asked if on that day Alma

had told him that she had met with an accident and if she had described that accident. Mr. Ruth trying to prove that the woman had met with an accident before the assault, which would have produced exactly the same results as the assault is alleged to have produced.

The commonwealth's attorney objected to this line of testimony, and considerable argument ensued on the subject.

The jury was finally excluded and the witness, for the benefit of the court, was instructed to tell what Alma told him on that occasion. He said Alma told him that while laying the baby on the bed that morning she had struck herself against the bed on her stomach.

The court ruled that this statement could not go to the jury.

On cross-examination, the witness admitted that he was in jail with Billy O'Boyle. The defense objected and the question and answer were stricken out.

BEN MATRONI. Ben Matroni, the next witness stated that for four or five months prior to June 2 Billy O'Boyle was his roommate and slept at home every night. Dr. Loeb and J. Fenton Rawles followed with brief testimony relative to the time when Alma took laudanum. Mr. Rawles went to the house and gave the woman some medicine to make her vomit.

Thomas Kay and J. F. Hughes were introduced to testify as to the character of the accused.

Dr. Bagby testified to having attended Alma Hamilton several years ago. Mr. Ruth was sworn and introduced a mathematically correct plan of the building.

THE PRISONER ON THE STAND.

The accused, William O'Boyle, was sworn. He testified that he could neither read nor write; that his parents died when he was about nine years old. At the time of the affair, which resulted in Alma's death, he was employed as a bartender and manager of a restaurant. On the day in question he went to the house where Alma lived, went up stairs to sell some beer; saw Lucy Hubbard and got an order from her for two boxes. Alma came out of the rear room wringing the water off her hands. He asked her how she felt. She said badly, but refused to have the physician which Billy offered to send her. Alma then went into one of the rooms and Billy stood by the door jamb. Some woman ran up and told him about Alma drinking. Alma began cursing, whereupon Billy left and went on down the hall to Serena's room and began talking to Lucy Hubbard. Alma came up, caught him by the throat and said "come away from there you ——" Billy shoved her away from the door and took the baby away from Alma, who was drunk and was butting its head against the wall. After putting the baby into "Mrs." Godsey's room, Billy came on out and started down the hall on his way out of the building. Alma, with a large cup in her hand, met him in the hall. "Mrs." Godsey, or Carrie Clayton, warned him that she was going to hit him with the cup. Alma swung the cup at him and the third time she swung it, she struck him with it on the collar bone. He caught the woman's arm and a wrestling ensued in the course of which Alma tripped and threw him down, falling herself and dragging him down on top of her as she fell, one of O'Boyle's knees striking her in the right side. O'Boyle admitted that he struck the woman with his open hand and with his fist on the arms.

Having freed himself, O'Boyle said he walked on down to Serena's room and sent Carrie Clayton for a shirt for him. Alma having torn his shirt almost off him, Carrie took his keys and went out for the shirt, but a negro brought the garment to him. After putting on the shirt, O'Boyle, according to his testimony, went on out of the building without going back down the hall. Next morning he heard that the woman was injured and sent for Dr. Hume and Dr. Corss. Later when he saw Dr. Hume, Dr. Hume told him that the woman was not in any danger.

CROSS-EXAMINED.

Mr. Newton then took the witness for cross-examination. The prisoner and the commonwealth's attorney got together for the benefit of the jury, the prisoner endeavoring to demonstrate how Alma tripped him.

O'Boyle said he struck the woman only on the arms, and he did not slap her at all. He did not kick her at all, stamp her or jump on her.

Robert Frankfort testified that while O'Boyle was working for him—a space of three months—he always slept at home.

This concluded the evidence of the defense, and the court adjourned for supper.

Just before the recess, the commonwealth's attorney offered to submit the case without argument, but Mr. Ruth did not think he could with justice, agree to the proposition.

FAILED TO MATERIALIZE.

It had been decided in the afternoon to hold a night session for the purpose of trying to wind the case up, so the jury was brought back to the court room at 8 o'clock. The judge, the commonwealth's attorney, and Mr. Ruth, attorney for the defense, retired to see what could be done in the matter of getting a set of instructions for the jury. The court room was filled with a curious crowd, which had come expecting to hear the arguments of the attorneys, and, perhaps, to hear a verdict. This crowd waited patiently for two hours and a half, when His Honor came in and informed the jury that the instructions were not yet ready, and adjourned the case over until Monday.

Frosty Air. Revives that old cough. You cannot sleep at night. The old pain in the breast has returned and your throat is all stopped up. Why try all sorts of fakes when 25c. will buy a bottle of Stabler's Balsam Pectoral, the only safe and sure cure for Coughs, Colds, Sore Throat, Hoarseness, any affection of the throat or lungs. For sale only by J. H. Janney, Druggist, 2819 Washington avenue.

We have a good lot of boys' double-seated pants. Will stand lots of hard hitting. 10-19-1f WOODWARD & WOMBLE.

The point that tells is the correct fit and workmanship of a suit. We sell high art clothing. 10-19-1f WOODWARD & WOMBLE.

## CITY NEWS IN BRIEF.

Mr. C. M. Gibson has returned from his vacation, spent in and about Richmond.

The new Finch market was formally opened last night with a concert.

Miss Irene Elliott has returned to her home in Grafton, after a pleasant visit to Miss Lillian Sheppard, on Twenty-seventh street.

Miss Garnett entertained the Young Ladies' Euchre Club yesterday afternoon.

Mrs. J. G. Council, of Washington, is the guest of Mrs. Smith, on West avenue.

Assistant Paymaster W. A. Merritt, of the converted yacht Yankton, greeted his old friends in the city yesterday.

Mrs. Gaines will shortly move to Richmond.

Miss Belle Goodwin, of Cape Charles, is visiting her aunt, Mrs. Colonna.

A number of young people have organized an amateur theatrical organization, which will be known as the Newport News Dramatic Club. "The Woven Web," a war drama, has been selected as the first play and as soon as the characters are cast rehearsals will commence.

## AMUSEMENTS THIS WEEK.

Jeffries-Sharkey Fight Recital to be Given at the Opera House.

Thursday—Cosine in "The Little Host."

Friday—Jeffries-Sharkey Fight Recital.

Interest in the forthcoming meeting between Jeffries and Sharkey, on Friday evening next, is now at fever heat.

Lovers of sport the world over are looking expectantly forward to the great fight event. Local interest is daily increasing. The announcement, therefore, that a private wire from the ringside will be run into the Opera House and a public recital of the fight, given while the battle is taking place, will doubtless suffice to attract a large crowd. Each blow passed will be graphically described by an expert and announcer from New York.

The men are scheduled to enter the ring at 9 o'clock, and at that hour the recital of the fight will begin.

## Special Rates.

Because of the launching exercises in Richmond, the Chesapeake and Ohio will on October 31 sell tickets from here to Richmond and return for \$2. The tickets will be sold on that date only.

William Rebman, who, for many years, held the position of manager for a branch of Armour Co., has opened a first-class market at 223 Twenty-eighth street.

His long experience in the wholesale meat business will enable him to know how to serve the public in a first-class manner.

A big line of woven underwear at reasonable prices at 10-19-1f WOODWARD & WOMBLE'S.



## GLASS

## SATISFACTION.

No one likes to wear glasses. But we would be unfortunate indeed if we were deprived of this artificial aid to failing vision. The next best thing to no glass is the satisfaction afforded by having the right glass. We desire to make a walking advertisement of every person to whom we sell glasses, and we endeavor to do it by giving the greatest ease and comfort any glass can afford. We have the adequate knowledge and experience to enable us to do this. If we do you good work you will tell about it some time, if we do you bad work you will tell about it all times.

Call and see us. Examination free.

William E. and Louise M. Hull,

Graduate Opticians.  
Room 7, Exchange Bank Building.  
Thirtieth street and Washington avenue.  
Newport News, Va. 1t

Jim Jeffries and  
Thos. Sharkey, the Sailor

Will fight for the championship of the world and purse of \$20,000 at Coney Island Athletic Club Friday night, November 3rd, 9 P. M. A private wire to ringside will be run into OPERA HOUSE, Newport News, and each blow passed will be graphically described by expert operator and announcer from New York.

Tickets on sale at Ideal Pharmacy and Dyson's Saloon. 10-29-5t

## FOR

## FIRST

## CLASS

Making and Repairing  
LACY,  
Up-To-Date Shoe Maker,  
2703 LAFAYETTE AVENUE.  
10-2-1f

## At Private Sale.

The entire contents of Dining Room, 121 Twenty-third street, consisting of Tables, Chairs, Cooking Stoves, Heater, Clock, Oil Cloth, Table Linen, Crockery, Glassware, Cutlery, Ice Boxes, Cooking Utensils, Bed room Suites and Bedding. Wardrobe and many things too numerous to mention. Sale to commence Tuesday and continue until all is sold. 10-27-3t

## WANTS.

All advertisements appearing in this column and not beginning with the words "Wanted," "For Sale," "For Rent," "Lost," etc., will be inserted under the heading "Miscellaneous."

WANTED—POSITION IN A MARKET as meat cutter. First class judge of dressed meats. Six years experience in New York. Address GEORGE A. EHRME, Hampton, Va. 10-9-1t

WANTED—SEVERAL LADIES FOR amateur dramatic performance. Address, "DRAMA," care of Press, 1t.

WANTED—TO SELL FROM 40 TO 60 quarts of milk per day to responsible party. Address J. M'ALLISTER, Claremont, Va. 10-6-3t

WANTED—YOUNG AND OLD, RCH and poor to stop those aching pins by using our Nerve and Bone Liniment. Nothing like it. For sale only by Bilsoly & Bilsoly, 3510 Washington avenue. 1-4t

WANTED—TO BUY OR SELL ALL kinds of furniture and household goods. Repairing and upholstering at short notice. A. Rybnar, 226 5th street. 4-30-6m.

WANTED—FOR CASH, OLD postage and revenue stamps; valuable stamps found on backs of old photographs. Send for buying list, F. S. Cook, Box 302, Hampton, Va. 5-1t.

WANTED—EVERY SUFFERER from the headache to try our Headache Powders. Price 10 cents per three. Sold only by Bilsoly & Bilsoly, 3510 Washington avenue. 10-1t

WANTED—Everybody To Smoke No. 21 Blue Label Union Made Cigar.

## FOR SALE.

FOR SALE—ONE OF THE BEST boarding houses in the city. Furniture and everything new. 14 regular boarders in the house. Will hear the reason for selling. Address, "Health," care of Press. 1t

FOR SALE—TWO WELL-BROKEN bird dogs (setters). Satisfaction guaranteed. Apply at 3515 Lafayette avenue. 10-29-2t.

FOR SALE—STREET SHOW CASE, suitable for any business. Apply to Pevsner's, 2715 Washington avenue. 10-28-5t.

FOR SALE—FOUR HORSE POWER boiler and engine, cheap for cash. Apply at Daily Press Office. 10-18-1t

FOR SALE—COTTRELL DRUM CY under press, with bed of superior size to print four pages of a standard six-column paper at one impression. Big bargain for a prompt purchase. Apply at Daily Press Office. 10-18-1t

## LOST AND FOUND.

LOST—A GOLD LOCK BRACELET with two hearts. Bell and gold quarter attached. Suitable reward returned to Anna Boyd Chandler, 11 Thirtieth street. 1t

## FOR RENT.

FOR RENT—DESIRABLE OFFICE suitable for Doctor, Dentist or Lawyer. Apply to Mrs. John Viney, at M. W. Tennant's Photograph Studio, 2602 Washington avenue. 8-5-1t

## MISCELLANEOUS.

FIRST CLASS BOARD, WITH OR without rooms, 133 Thirtieth street. 10-29-1t

STOP THAT COUGH. HOW? BILSOLY Compound Cough Syrup does it every time. Price 25 cents per bottle at Bilsoly & Bilsoly's, 3510 Washington avenue. 10-4-1t

SAFES—HERRING, HALL, MARVIN & Co. safes, equal to any safe on the market. All styles and sizes. Sold on easy terms. J. D. Godsey, 230 25th street. 10-5-1m.

William Rebman,

223 TWENTY-EIGHTH STREET.

Both Phones, 340.

—Wholesale and retail dealer in—

HOME SLAUGHTERED AND WESTERN BEEF, PORK, MUTTON, ETC.

Furnishing Hotels and Restaurants a specialty. 10-29-3m.

Beautiful Homes FOR SALE at a

Great Bargain,

Five handsome brick residences on Forty-ninth street, at a price the interest on which would not exceed the equivalent of \$15 per month rent, and on easy terms; each containing seven rooms, besides large store room, china closet, bath room, etc. Complete hot and cold water connections, gas, etc. Fronts finished with white press brick, octagon bay windows both floors and handsome cornice. Location and neighborhood first-class. Cars run almost to the door. If not sold at once would rent three of the houses to very desirable tenants at a moderate price. Apply on premises to N. PARTRE, Art. So. Mfg Co. 10-28-6t.

The Union Stables

D. C. Perkins, Prop.,

Will have

Carriages on the Streets

day and night, for the accommodation of the public.

If you want a carriage, call up No. 61 either phone. 29th Street and Lafayette Avenue, Newport News, Va.

Carpets,  
Carpets,  
Carpets,  
Carpets,  
Carpets.



Rugs,  
Rugs,  
Rugs,  
Rugs,  
Rugs.

The Fall is upon us and I wish to call the attention of my customers and the public generally to the fact that our line of carpets and rugs is complete. I took great care and pains in selecting them while in New York from the celebrated factories of Bigelow & Stinson. Our line of Arlingtons, Selkirk and Smyrna rugs are surpassed by none. Call and be convinced that No. 2805 contains a line of carpets that a city twice the size of this would be proud of. Our Mr. Tiller is ever willing and ready to show you through the line, which will convince you that our assortment, styles, quality and prices are equaled by few and surpassed by none.

M. H. LASH,

2803-2805 Washington Avenue and 131 28th Street.



J. E. B. STUART, Formerly with Merchants Nat. Bank, Richmond, Va.

HOWARD S. COLLIER, Hampton, Va.

J. E. B. Stuart & Co.

Real Estate

AND

Fire Insurance

Suburban Real Estate

Is a good investment, in more than one way. It saves paying rent, and gives you a comfort that you cannot possibly get in the city. We have some very desirable property for sale. It is worthy of inspection. We would like to explain to you how you can own your own home and have a big yard for very little more than you are paying in rent.

IVY VIEW.  
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Is the name of that beautiful Residence plateau overlooking Hampton Roads, between Chestnut and Oak avenues. We are selling THREE lots there for the same price that you pay for one lot above Dry Dock, or in the heart of city.

Our carriage is always at the door and we take pleasure in showing any one the beauties of

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Mulford & Reynolds.

Real Estate and Insurance,

Nos. 135-137 25th Street.

Both Phones No. 94.

Correspondence solicited.

HEALTH FOOD BAKERY

Successors to

A. B. Wilpink,

Corner 29th street and Washington avenue, have just received a fresh line of

Nice Candies,

and also carry a fine stock of

Bread, Cakes and Pies

made fresh every day.

SAMMONS & JENNINGS

Proprietors,

Virginia Transportation Co.

W. R. SCULL,

Manager.

Storage Warehouse

Freight, Baggage, Safes and Furniture carefully and promptly moved. All kinds of hauling done at low prices. Phone 2592 P. O. Box, 141.

M. J. DIMMOCK, Architect—F. A. I. A.—Richmond and Newport News. Correspondence Solicited. 10-11-2m.

SPECIAL ATTENTION TO COLLECTION OF RENTS.

LIST YOUR PROPERTY WITH US FOR SALE.

DESIRABLE PROPERTY IN ALL PARTS OF THE CITY AND SUBURBS.

Bell phone, 315.

MORTON & CO.

Booksellers and Stationers,

32nd and Washington Avenue,

with a full line of

Books, Stationery, and

Novelties.

Morton & Co.

There is no Time

of the year when

IT WILL NOT PAY YOU TO

USE GAS FOR FUEL.

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Phones 34, 276, 258.

MURRAY'S

HALF-WAY

HOUSE.

BATES' ROAD.

Near the Old Baseball Park.

Pabst Beer, cool and refreshing, always on draught.

Everybody knows

TOM MURRAY,

and he extends a cordial welcome to all.

Cars stop at Murray's Crossing. 5-30-1f.

EUROPEAN GOLD FISH.

Aquariums stocked with fish, rock castles, ancient forts, water plants, etc. Fish globes, latest designs, all sizes. Fish food, catfish, birds and cages. Bird food always fresh. Information on fish or birds cheerfully given.

G. ALBERT LENZ,

2500 Jefferson Avenue,